

APPENDIX

The Civil Aeronautics Act of 1938, c. 601, 52 Stat. 973 (49 U. S. C. §§ 401, *et seq.*) provides in part as follows:

SECTION 1. As used in this Act, unless the context otherwise requires—

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(3) "Air commerce" means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any civil airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

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(16) "Civil airway" means a path through the navigable air space of the United States, identified by an area on the surface of the earth, designated or approved by the Administrator as suitable for interstate, overseas, or foreign air commerce.

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SEC. 2. In the exercise and performance of its powers and duties under this Act, the Authority shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity—

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The regulation of air commerce in such manner as to best promote its development and safety; and

(f) The encouragement and development of civil aeronautics.

SEC. 302. (a) The Administrator is empowered to designate and establish civil airways and, within the limits of available appropriations made by the Congress, (1) to acquire, establish, operate, and maintain along such airways all necessary air navigation facilities; (2) to chart such airways and arrange for the publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable; (3) to acquire, establish, operate, and maintain, in whole or in part, air navigation facilities at and upon any municipally owned or other landing area approved for such

installation, operation, or maintenance by the Administrator; and (4) to provide necessary facilities and personnel for the regulation and protection of air traffic moving in air commerce: *Provided*, That the Administrator shall not acquire any airport by purchase or condemnation. The Administrator is empowered to approve the establishment of such civil airways, not designated or established by the Administrator, as may be required in the interest of the public. No exclusive rights shall be granted for the use of any civil airway, landing area, or other air navigation facility.

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SEC. 601. (a) The Authority is empowered, and it shall be its duty to promote safety of flight in air commerce by prescribing and revising from time to time—

(1) Such minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required in the interest of safety;

(2) Such minimum standards governing appliances as may be required in the interest of safety;

(3) Reasonable rules and regulations and minimum standards governing, in the interest of safety, (A) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances; (B) the equipment and facilities for such inspection, servicing, and overhaul; and (C) in the discretion of the Authority, the periods for, and the manner in, which such inspection, servicing, and overhaul shall be made, including provision for examinations and reports by properly qualified private persons

whose examinations or reports the Authority may accept in lieu of those made by its officers and employees;

(4) Reasonable rules and regulations governing the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, required in the interest of safety, including the reserve supply of aircraft fuel and oil which shall be carried in flight;

(5) Reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees, of air carriers;

(6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Authority may find necessary to provide adequately for safety in air commerce; and

(7) Air traffic rules governing the flight of, and for the navigation, protection, and identification of, aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between aircraft, and between aircraft and land or water vehicles.

(b) In prescribing standards, rules, and regulations, and in issuing certificates under this title, the Authority shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest and to any differences between air transportation and other air commerce; and it shall make classifications of such standards, rules, and regulations, and certificates appropriate to the differences between air transportation and other air

commerce. The Authority may authorize any aircraft, aircraft engine, propeller, or appliance, for which an aircraft certificate authorizing use thereof in air transportation has been issued, to be used in other air commerce without the issuance of a further certificate. The Authority shall exercise and perform its powers and duties under this Act in such manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation, but shall not deem itself required to give preference to either air transportation or other air commerce in the administration and enforcement of this title.

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SEC. 603. (a) (1) The Authority is empowered to issue type certificates for aircraft, aircraft engines, and propellers; to specify in regulations the appliances for which the issuance of type certificates is reasonably required in the interest of safety; and to issue such certificates for appliances so specified.

(2) Any interested person may file with the Authority an application for a type certificate for an aircraft, aircraft engine, propeller, or appliance specified in regulations under paragraph (1) of this subsection. Upon receipt of an application, the Authority shall make an investigation thereof and may hold hearings thereon. The Authority shall make, or require the applicant to make, such tests during manufacture and upon completion as the Authority deems reasonably necessary in the interest of safety, including flight tests and tests of raw materials or any part or appurtenance of such aircraft, aircraft en-

gine, propeller, or appliance. If the Authority finds that such aircraft, aircraft engine, propeller, or appliance is of proper design, material, specification, construction, and performance for safe operation, and meets the minimum standards, rules, and regulations prescribed by the Authority, it shall issue a type certificate therefor. The Authority may prescribe in any such certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety. The Authority may record upon any certificate issued for aircraft, aircraft engines, or propellers, a numerical determination of all of the essential factors relative to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

(b) Upon application, and if it satisfactorily appears to the Authority that duplicates of any aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued will conform to such certificate, the Authority shall issue a production certificate authorizing the production of duplicates of such aircraft, aircraft engines, propellers, or appliances. The Authority shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof. The Authority may prescribe in any such production certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety.

(c) The registered owner of any aircraft may file with the Authority an application for an airworthiness certificate for such aircraft. If the Authority finds that the aircraft conforms to the type certificate therefor, and, after inspection, that the aircraft is in condition for safe operation, it shall issue an airworthiness certificate. The Authority may prescribe in such certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, and limitations as are required in the interest of safety. Each such certificate shall be registered by the Authority and shall set forth such information as the Authority may deem advisable. The certificate number, or such other individual designation as may be required by the Authority, shall be displayed upon each aircraft in accordance with regulations prescribed by the Authority.

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SEC. 610. (a) It shall be unlawful—

(1) For any person to operate in air commerce any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;

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(b) Foreign aircraft and airmen serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (a) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Authority as being in the interest of the public.

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REGULATIONS

Civil Aviation Regulations, 14 C. F. R., provide in part as follows:

SECTION 01.0. *Provision for issuance.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft as to their airworthiness, the Secretary will issue aircraft certificates in accordance with the provisions in this part.

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01.10. *Certificated aircraft.*—The term “certificated aircraft” means any aircraft for which an aircraft certificate other than a registration certificate has been issued.

01.11. *Airworthy.*—As used herein the term “airworthy” when applied to a particular aircraft or component thereof denotes the ability of such aircraft or component thereof to perform its function satisfactorily throughout a range of operations determined by the Secretary in rating the aircraft or component thereof.

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01.13. *Airworthiness certificate.*—An airworthiness certificate is hereby defined as a document issued by the Secretary to the registered owner of an aircraft, certifying that the aircraft in question is airworthy when operated and maintained in accordance with the terms of said certificate.

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01.21. *Application for airworthiness certificate.*—Application for an airworthiness certificate shall be made to the Secretary on a form supplied for the purpose.

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01.231. *Inspection of aircraft.*—Each individual aircraft for which an airworthiness certificate is desired shall be presented for inspection to a designated representative of the Secretary for the purpose of determining the airworthiness of the aircraft.

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01.420. *Airworthiness of type.*—As one requisite to the issuance of a type certificate, the airworthiness of the type of aircraft or component shall be established to the satisfaction of the Secretary. This will require the construction of at least one complete aircraft or component of the type for which the type certificate is desired. In the case of aircraft it is further required that an airworthiness certificate (See § 01.2) be obtained for an aircraft of the type in question. For certain classes of aircraft and components the requirements for airworthiness, including special requirements for type certification, are specified hereinafter as follows:

Airplanes.....	Part 04
Gliders.....	Part 05
Rotorplanes.....	Part 06
Aerostats.....	Part 07
Aircraft Engines.....	Part 13
Aircraft Propellers.....	Part 14
Aircraft Equipment.....	Part 15

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60.31. *Aircraft certificate.*—No flight of civil aircraft, other than of a foreign aircraft, shall be made or authorized to be made—

(a) Within the limits of a civil airway or control zone of intersection whatever the purpose or nature of the flight may be, unless such aircraft is possessed of valid aircraft registration and airworthiness or experimental certificates, or

(b) Elsewhere in the navigable airspace over the lands and waters of the United States if engaged in interstate or foreign air commerce, unless such aircraft is possessed of such valid aircraft certificates, or

(c) In violation of any term, specification or limitation of such certificates.

Civil Aviation Regulations, 14 C. F. R., 1938
Supp.:

Part 01. Note 2, page 633: Regulation 601-A-1, Aug. 20, 1938; 3 F. R. 2052 amends Part 01 by substituting:

(1) "Authority" for "Secretary" or "Bureau".

(2) "Civil Aeronautics Acts of 1938" for "Air Commerce Act".

(3) "air carrier" for "airline carrier".

(4) "inspector of the Authority" for "Bureau inspector".

(5) "Civil Aeronautics Authority" for "Department of Commerce".